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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/694,666 | 10/27/2003 | Donald Christopher | PHUS019017 A | 4233 |

28159 7590 12/01/2006

PHILIPS MEDICAL SYSTEMS
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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| EXAMINER |
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LAMPRECHT, JOEL

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| ART UNIT | PAPER NUMBER |
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3737

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--------------------------------------|---|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/694,666 | Applicant(s) CHRISTOPHER ET AL. | |
| | Examiner Joel M. Lamprecht | Art Unit 3737 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached ---.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


ELENI MANTIS
 SUPERVISORY PATENT EXAMINER

The Applicants argue that there is no suggestion of the acquisition of any Doppler signals that are not used in images, and additionally there is no suggestion of analysis of unused doppler information to establish and optimize one of the display parameters of the PRF, the color baseline, the color range polarity, or the range of color pixel values for display of the processed Doppler signal information in the display area. The Examiner respectfully disagrees with Applicant. The affidavit/declaration as written has been accepted and the points raised therein are legitimate; however, under the broadest reasonable interpretation the rejection still stands. The Examiner offers the following explanation:

The art of record currently reads on the Applicants Claims as written because the state of the Doppler information in time is not ever referenced, and additionally, the optimization process as Claimed do not overcome the rejection of record. Any sort of Doppler signal that is not used at any point in time during acquisition of a signal to display of that signal could and does read on the part of the claim as written. The question of whether the signal is being used at the time or if it can be used later isn't ever addressed. From the claims:


"...estimating, in real-time, strain velocities from said acquired echo signals for said range positions inside said spatial region; and displaying estimated strain velocities for each range position at spatial coordinates on a display unit associated with said spatial region to provide a real-time image of said strain velocities for said spatial region. "

Art Unit: 3737

Meaning that in fact, the signals are used to obtain an "optimized image" considering the application and that there are indeed Doppler signals that are NOT used in the image directly, rather they are used in an estimation which is used in the image. The use of the word optimize in the context of computer programming is commonly used to mean to make more efficient, thereby any computer process speeding up, enhancing, or bettering the process could fall under the blanket claim of optimize, as images will have a "range of color pixel values", even if it is a large range of values.

JML 10/26/06

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